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382

EDUCATION SECRETARIAT

Dated 18th May 1950.

No. E. 1781 Edn. 24-49-28. The term of the Board of and Examinations in Mysore, reconstituted three years from 11th January 1947, in E. 4426—Edn. 57-46-4, dated 13th December till the end of June 1950.

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,
Secretary to Government,
Education Department.

LAW SECRETARIAT

Dated 18th May 1950.

No. L. S. 442—L.W. 29-50-14. In pursuance of sub-section 4) of section 12 of the Mysore Labour Act, 1942 (Act V of 942). His Highness the Maharaja of Mysore is pleased to irect the publication of the accompanying report of the hief Conciliator in Mysore, Bangalore, in respect of failure f Conciliation Proceedings in the dispute between the Nandy-oorg Mines Labour Association and the Management in gard to several Notices of Change given by the Association o the Management.

By Order of His Highness the Maharaja of Mysore,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Camp, Oorgaum dated 6th May 1950.

To

The Secretary to the Government of Mysore,
Law Department, Bangalore.

Subject :—C. C. Nos. 10 and 41—1948-49.

Sir,

Between 12th October 1948 and 14th July 1949 the Nandydrug Mines Labour Association gave several notices of change to the Management. At the conciliation proceedings held to-day in the Guest House, Oorgaum, it was stated by Sri Sabapathy, the President of the Association that most of the disputes covered by the notices issued on 20th April 1949, 28th April 1949, 16th May 1949, 14th June 1949, 12th July 1949 and 14th July 1949 had been settled one way or the other. The remaining disputes relate to the notices of change given on 12th October 1948 and 27th May 1949 respectively. Of these, the first notice of change contains the following two demands :—

(1) Murugasee, 9269, is employed as Out-door Fitter Mestry. But inspite of repeated requests he is neither designated nor paid as Out-door Fitter Mestry. The Association through this notice seeks to get him designated as Out-door Fitter Mestry and paid according to that rank.

(2) John, 9283, Annamalai, 9299, are working as Carpenters but are not paid as such. This notice is to get them designated as Carpenters and paid as such."

The case of Murugasee is clearly explained in the letter of the Superintendent to the President of the Association written on 28th September 1948. According to this letter Muragasee is graded Fitter First Grade in range Rs. 1-9-0 to Rs. 2-5-0. Strictly speaking, he should have been classified as M.6. Head Mestry Pipe Fitting Service in grade Rs. 1-6-0 to Rs. 1-14-0. As Murugasee is already getting Rs. 1-14-0, the Management consider that he would be hard hit if he were re-classified as Head Mestry Pipe Fitting Section on Rs. 1-6-0 to Rs. 1-14-0. If, however, the Association attaches more importance to designation than to wages the Management can have no objection to change his designation and give him the wages attached thereto.

Sri Sabapathy's argument is that this man, in addition to his being a Pipe Fitter, has also under him 3 or 4 people whose work he supervises. He therefore suggests that he be given some sort of an allowance if the Management are unwilling to give him the status and scale of wages of an Outdoor Fitter Mestry. Mr. W. T. Hocking, the Superintendent pointed out that an outdoor fitter mestry was one who was capable of handling machinery, while Murugasee knew nothing about machinery and had never handled them in his life. It would therefore be unjust to that class of workmen if Murugasee were graded up to their level. Besides there were a large number of Pipe Fitter Mestries working underground who would claim the same treatment as was claimed for Murugasee. In the circumstances the Management were not in favour of conceding this demand. Sri Sabapathy felt unconvinced with the argument advanced by Mr. Hocking and would not withdraw the demand.

As regards John and Annamalai the case of the Association is that they are really doing the work of carpenters though they are treated as helpers to carpenters for purposes of wage payment. Both these are experienced men who can independently work as carpenters, Mr. Hocking points out that these two men have never been entrusted with independent carpentry work and that they are even now working as assistants to carpenters. If vacancies arise and if these men are found fit the Management would be glad to absorb them. But, till then, there is no justification to treat them as carpenters and give them higher wages. Sri Sabapathy was not satisfied with this vague assurance and would not withdraw the demand.

The second notice of change dated 27th May 1949 contains four demands. Of these the first three have been either settled or withdrawn. That which remains reads as follows :—

"It has been the custom for the scavengers to receive from their employers double wages for their work during any strike period. The employees of the mine have been on strike from 1st February 1949 to 31st March 1949. The employer-company breaking the custom paid only normal wages to the scavengers for the strike period. The Association through this notice of change, requests the Management to pay the seavengers the usual extra wages for the strike period."

The background for this dispute is somewhat like this. In the year 1945 there was a strike on the Mine which was declared illegal by the Registrar. The scavengers also had struck work on that occasion. But on the intervention of the Deputy Commissioner they resumed work on the Management's agreeing to pay them double the usual wages. In the following year too there was a strike which was however declared to be legal. On this occasion also the scavengers were persuaded to carry on their duties and got double wages for the strike period.

The case for the Association is based on the two precedents referred to above. It feels that as the scavengers perform an essential service in a period of great anxiety to the management it is but right that their services should receive appropriate recognition especially in view of the fact that on previous occasions they were given double the wages. Mr. Hocking however is not willing to show them any special concession. He points out that like these scavengers, there were a number of men who worked underground during the strike period and got only the normal wages. It would be invidious to favour the scavengers and not extend the same concession to the underground workers also. Besides, a decision in favour of the scavengers belonging to this mine would have repercussions on the other mines as well. The latter had not given double wages to their scavengers during the strike period. For these reasons he was unwilling to concede this demand. Several alternative proposals for recognising their services were considered but had to be given up as it was found impossible to evolve a formula which would limit the claim to this mine only. Sri Sabapathy was not prepared to withdraw the demand. In the result, the conciliation proceedings in both the cases ended in failure and this report is accordingly made under section 12(4) of the Act.

Yours faithfully,

K. SUBBA RAO,
Chief Conciliator.

1245